

# **ARKANSAS COURT OF APPEALS**

## **PROCEEDINGS OF APRIL 8, 2015**

### **ROBERT J. GLADWIN, CHIEF JUDGE:**

[CV-14-808](#). Terry Allen Yarbrough v. Jane Powell, from Pulaski County Circuit Court, Seventeenth Division. Dismissed without prejudice; appellee's motion to dismiss appeal moot. Glover and Hoofman, JJ., agree.

### **RAYMOND R. ABRAMSON, JUDGE:**

[CV-14-1085](#). Monica Jane Gritton v. Arkansas Department of Human Services and Minor Child, from Pope County Circuit Court. Affirmed; motion to withdraw granted. Kinard and Vaught, JJ., agree.

### **BART F. VIRDEN, JUDGE:**

[CR-14-838](#). Steven Van Ta v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Harrison and Hixson, JJ., agree.

[E-14-718](#). Renee Abbott v. Director, Department of Workforce Services, and JB Hunt Transport, Inc., from the Arkansas Board of Review. Remanded. Harrison and Hixson, JJ., agree.

### **M. MICHAEL KINARD, JUDGE:**

[CR-14-756](#). Harvey Lamar Lewis v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Abramson and Vaught, JJ., agree.

### **RITA W. GRUBER, JUDGE:**

[CV-14-157](#). Richard White v. Karen Shepard, from Carroll County Circuit Court, Western District. Reversed and remanded. Whiteaker and Brown, JJ., agree.

### **PHILLIP T. WHITEAKER, JUDGE:**

[CV-14-908](#). Linda Morrison v. Donavea Carruth, from Sebastian County Circuit Court, Greenwood District. Affirmed. Gruber and Brown, JJ., agree.

### **LARRY D. VAUGHT, JUDGE:**

[CV-14-959](#). Steven Lynn Williams v. State of Arkansas Office of Child Support Enforcement, from Garland County Circuit Court. Reversed. Abramson and Kinard, JJ., agree.

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### KENNETH S. HIXSON, JUDGE:

[CR-14-837](#). Keith A. Peel v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Virden and Harrison, JJ., agree.

### WAYMOND M. BROWN, JUDGE:

[CV-14-1086](#). Billy Shannon v. Arkansas Department of Human Services and Minor Child, from Sharp County Circuit Court. Affirmed; motion to be relieved as counsel granted. Gruber and Whiteaker, JJ., agree.

### PER CURIAM DECISIONS

**The following cases appealed from the Arkansas Board of Review are affirmed without written opinion pursuant to Supreme Court Rule 5-2(f).**

E-14-721. National Distributors Leasing v. Director et al.

E-14-723. Stan Tapp v. Director et al.

E-14-724. Lesa Hughes v. Director et al.

E-14-725. Patricia Ramirez v. Director et al.

E-14-726. Natasha Walker v. Director et al.

E-14-727. James Heinrich v. Director et al.

E-14-728. Ray Jordon v. Director et al.

E-14-729. Michelle Hatfield v. Director et al.

E-14-730. Kellie McCartney v. Director et al.

E-14-731. Jean Mathews v. Director et al.

E-14-732. Ben Brown v. Director et al.

E-14-733. Cynthia Bradberry v. Director et al.

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- E-14-734. Calvin Trotter v. Director et al.
- E-14-735. Shelly Brannon v. Director et al.
- E-14-736. Antoinette McMillion v. Director et al.
- E-14-737. Stephan Rauhofer v. Director et al.
- E-14-738. Kelonda Dean v. Director et al.
- E-14-739. Rosie Turner v. Director et al.
- E-14-740. Jocelyn Henderson v. Director et al.
- E-14-741. Judy Saul v. Director et al.
- E-14-742. Jessica Spann-Wyles v. Director et al.
- E-14-743. Sheila Magness v. Director et al.
- E-14-745. Tamatha Varnell v. Director et al.
- E-14-746. Beatrice Daniels v. Director et al.
- E-14-747. Bill Beerbower v. Director et al.
- E-14-748. Tina Hunt v. Director et al.
- E-14-749. Jordan Smith v. Director et al.
- E-14-750. Sandra McCoy v. Director et al.
- E-14-751. Gary Meador v. Director et al.
- E-14-752. Sonya Molock v. Director et al.
- E-14-753. Linda Lane v. Director et al.
- E-14-754. Jennifer Sutterfield v. Director et al.
- E-14-755. Brandy Goldman v. Director et al.

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E-14-756. Richard Ammons v. Director et al.

E-14-757. Angela Carter v. Director et al.

E-14-758. Cordie Smart v. Director et al.

E-14-760. Buffie Kistler v. Director et al.

E-14-762. Gregory Croom v. Director et al.

E-14-763. Adela Pate v. Director et al.

E-14-766. Silica Transport, Inc. v. Director et al.

E-14-767. Dale Moody v. Director et al.

E-14-768. Brian Toney v. Director et al.

E-14-770. Doyle Dowler v. Director et al.

E-14-771. Van K. Nabb v. Director et al.

E-14-772. Kimberly Letterman v. Director et al.

E-14-773. Sterling Williams v. Director et al.

E-14-774. Elizabeth Millward v. Director et al.

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**PER CURIAM ORDERS**

PETITIONS FOR REHEARING: Petitions for rehearing were denied today in the following cases.

CV-14-337. Oksana G. Hackney v. Josh Hackney, from Pulaski County Circuit Court, Fourteenth Division.

CV-14-638. Jessica Black v. Brentley Black, from Clark County Circuit Court.

CV-14-815. James H. Randolph, Jr. v. Staffmark, New Hampshire Insurance Company, Avizent, Americold Logistics, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

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CR-14-556. Dontel Spraglin v. State of Arkansas, from Jefferson County Circuit Court. Motion of Gary W. Potts for attorney's fees is granted. Allowed \$1,800.00.

CR-14-677. Rokosi Humphrey v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of John H. Bradley for attorney's fees is granted. Allowed \$1,600.00.

CR-14-714. Darrell Robertson v. State of Arkansas, from Conway County Circuit Court. Motion of Amos J. Richards for attorney's fees is granted. Allowed \$1,800.00.

CR-14-823. Steven Andrew Curtis v. State of Arkansas, from Grant County Circuit Court. Motion of Gregory Crain for attorney's fees is granted. Allowed \$1,800.00.

CR-14-839. Kyle Dale Sparkman v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Aubrey L. Barr for attorney's fees is granted. Allowed \$1,800.00.

CR-14-920. Christopher Brickey v. State of Arkansas, from Grant County Circuit Court. Motion of Philip C Wilson for attorney's fees is granted. Allowed \$1,800.00.

CR-14-1036. Emilio Gutierrez v. State of Arkansas, from Sevier County Circuit Court. Appellant's motion to settle and supplement the record is granted.

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### **PER CURIAM ORDERS**

CR-15-9. Zackery Warren Shadwick v. State of Arkansas, from Johnson County Circuit Court. Appellant's petition for writ of certiorari to complete the record is granted.

CR-15-84. Tristan Roger Travis v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's motion to supplement the record on appeal is granted.

CR-15-214. Amanda Thacker v. State of Arkansas, from Jefferson County Circuit Court. Motion for rule on clerk or in the alternative motion to file brief even if it is deemed belated or motion for extension of time to file appellant's brief is granted.

CV-14-63. Thomas L. Lagios v. Kenneth Mitchell Goldman and Deanne Fields Goldman, from Columbia County Circuit Court. Appellees' motion for continuance is denied.

CV-14-480. John David Moore v. Nancy Moore, from Logan County Circuit Court, Southern District. Motion for permission to file brief amicus curiae in support of rehearing is denied. Gladwin, C.J., and Gruber, J., not participating.

CV-14-699. Nucor Steel-Arkansas and Nucor-Yamato Steel Company v. Arkansas Pollution Control & Ecology Commission and Big River Steel, LLC, from Mississippi County Circuit Court, Osceola District. Appellants' motion for extension of time to file reply brief is granted.

CV-14-699. Nucor Steel-Arkansas and Nucor-Yamato Steel Company v. Arkansas Pollution Control & Ecology Commission and Big River Steel, LLC, from Mississippi County Circuit Court, Osceola District. Amended motion for extension of time to file reply brief and motion to expand page limits for reply brief is granted.

CV-14-935. Clay V. Jackson v. Charles Brooks Company, Inc., et al., from the Arkansas Workers' Compensation Commission. Pro se petition to hold appellees in contempt is denied. Appeal dismissed.

CV-14-1120. Jordyn Billingsley v. Arkansas Department of Human Services and Minor Child, from Jefferson County Circuit Court. Appellant's motion to place missing pages in appellant's opening brief is granted.

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CV-14-1126. Leece Properties, LLC, et al. v. Scott Vise and Jonathan D. Jones, from Garland County Circuit Court. Motion of appellee Scott Vise for sanctions and for an order finding this appeal is being prosecuted for purpose of delay is passed until the case is submitted.

CV-15-5. Dianna K. Brown v. Wal-Mart Stores, Inc., from Craighead County Circuit Court, Western District. Pro se motion to compel is denied. Abramson and Gruber, JJ., not participating.

CV-15-42. Stephens Production Company v. Kathy Bennett, Franklin County Assessor; Sylvia Knoles, Franklin County Collector; and Franklin County, Arkansas, from Franklin County Circuit Court. Appellant's unopposed motion to supplement the record is granted.

CV-15-53. Ricky Whitecotton and Denene Whitecotton v. Arlis Ray Owen and Jeannie Owen, from Logan County Circuit Court, Northern District. Appellants' unopposed motion to remand and for extension of brief time. Appeal dismissed without prejudice.

CV-15-82. University of Arkansas at Pine Bluff Public Employee Claims Division v. Ronnie Whitty, from the Arkansas Workers' Compensation Commission. Appellant's motion to supplement the record and to file an amended addendum is granted.

CV-15-100. Adam Wozniak, Dianna Owen, and Carmel Kruse v. The Abraham Family Trust, Simon Abraham, M.D., and Annie Abraham, Trustees, from Baxter County Circuit Court. Appellants' motion to remand or for extension of brief time. Appeal dismissed without prejudice.

CV-15-109. Timothy Hollis v. Fayetteville School District No. 1 et al., from Washington County Circuit Court. Appellant's motion to supplement record on appeal is granted.

CV-15-123. Alicia Dawn Neumann v. Lloyd Draughon Smith, from Miller County Circuit Court. Appellant's motion to supplement the record and stay brief time is granted.

CV-15-134. Anna J. Belk v. William S. Belk, Jr., et al., from Perry County Circuit Court. Appellant's petitions to supplement record on appeal and request to stay briefing schedule pending supplementation of record is granted.

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**PER CURIAM ORDERS**

CV-15-144. Anya Brown v. Arkansas Department of Human Services and Minor Children, from Phillips County Circuit Court. Appellant's motion to correct the record and to stay briefing schedule is granted.

CV-15-163. Gary Howard, as the Administrator of the Estate of Odis Howard, Deceased v. Lauren Adams et al., from Benton County Circuit Court. Appellant's motion for stay or for supersedeas bond is denied.

CV-15-169. Emily Smithee v. Arkansas Department of Human Services and Minor Children, from Clay County Circuit Court. Appellant's motion to correct the record and to stay briefing schedule is granted.

E-13-819. Trucks For You, Inc. v. Director, Department of Workforce Services, and Luther Williams, from the Arkansas Board of Review. Appellant's motion for belated brief is denied. Appeal dismissed.

E-15-10. Brock Weast v. Director, Department of Workforce Services, et al., from the Arkansas Board of Review. Pro se motion to add evidence is denied.



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**MOTIONS SUBMITTED**

**PETITIONS FOR REHEARING:**

CV-14-289. Leon Wilmoth, Manager, Safari Real Estate, LLC v. Southwest Arkansas Utilities Corporation, from Benton County Circuit Court.

CV-14-740. Stephanie Ganus v. St Bernard's Hospital, LLC, et al., from the Arkansas Workers' Compensation Commission.

CV-14-744. Ralph Crenshaw and Donna Crenshaw v. Riley Vernon McFalls and Linda Sue McFalls, Each in His and Her Representative Capacity as a Trustee of the Riley Vernon McFalls Revocable Trust and the Linda Sue McFalls Revocable Trust, from White County Circuit Court.

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CR-13-316. Antwan L. Fowler v. State of Arkansas, from Faulkner County Circuit Court. Appellee's motion to dismiss or, in the alternative to strike appellant's substituted brief.

CR-13-316. Antwan L. Fowler v. State of Arkansas, from Faulkner County Circuit Court. Appellee's motion to stay brief time pending the resolution of appellee's motion to strike.

CR-14-560. Jeffrey Paul Whittier v. State of Arkansas, from Saline County Circuit Court. Entry of appearance and motion of J. Brent Standridge to be shown as co-counsel.

CR-14-1030. Z.L. v. State of Arkansas, from Jackson County Circuit Court. Appellant's motion to supplement the record.

CR-14-1030. Z.L. v. State of Arkansas, from Jackson County Circuit Court. Appellant's additional motion to supplement the record.

CR-15-30. Tara Watts v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion to supplement the record on appeal.

CR-15-64. Francisco Medley v. State of Arkansas, from Saline County Circuit Court. Appellant's motion for extension of brief time and file belated brief.

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**MOTIONS SUBMITTED**

CR-15-113. Stanley Nelson v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's petition for writ of certiorari to complete the record.

CR-15-139. Ramon Perez v. State of Arkansas, from Lonoke County Circuit Court. Appellant's motion to stay briefing schedule and to remand matter to settle the record.

CR-15-241. John Ross v. State of Arkansas, from Garland County Circuit Court. Motion of Bobby R. Digby II to substitute counsel.

CV-14-1005. John F. Dunn and Wendy M. Dunn v. American Mortgage Associates, Inc.; CitiMortgage, Inc.; and Wilson & Associates, P.L.L.C., from Pulaski County Circuit Court, Seventeenth Division. Appellants' motion to extend page limit of reply brief.

CV-14-1096. Jeannie Sherman v. Raymond Boeckmann, from Cross County Circuit Court. Appellant's motion for reconsideration.

CV-15-92. Arneshia L. Ryan v. Britney Q. White, from St. Francis County Circuit Court. Appellant's motion to file belated brief.

CV-15-196. Tim Whaley v. Pam Beckham and Don Beckham, from Lonoke County Circuit Court. Appellant's emergency application for stay of judgment.

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### **CASES SUBMITTED**

CR-13-724. Frederick Rainey v. State of Arkansas, from Cleveland County Circuit Court.

CR-14-239. Michael Woole v. State of Arkansas, from Faulkner County Circuit Court.

CR-14-466. Marcus Martez Sims v. State of Arkansas, from Crittenden County Circuit Court.

CR-14-696. Alberto Delatorre, Jr. v. State of Arkansas, from Washington County Circuit Court.

CR-14-817. James Williams v. State of Arkansas, from Miller County Circuit Court.

CR-14-840. Michael Theodis Boyland v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CV-14-663. Jennifer Poff Talley, Barry Talley, Nathan L. Poff, Jr., Rose M. Lew, and John Laurence Poff v. Carolyn Peedin, from Cleburne County Circuit Court.

CV-14-674. Tricia Dundee v. Brenda Horton and GEICO General Insurance Company, from Sebastian County Circuit Court, Greenwood District.

CV-14-698. Calvin Ivory v. Woodruff Electric Cooperative Corp., from Lee County Circuit Court.

CV-14-810. Stephen Brian Collins and Kimberly Diane Collins v. Deutsche Bank National Trust Company, from Miller County Circuit Court.

CV-14-939. Raymond Edwards v. Arkansas Department of Human Services and Minor Child, from Lonoke County Circuit Court.

CV-14-1010. Farmers Insurance Exchange v. Ray Bradford et al., from Independence County Circuit Court.

CV-14-1037. Jerry Cossey v. Pepsi Beverage Company, from the Arkansas Workers' Compensation Commission.

CV-14-1074. Steven J. Wilson and Christina R. Wilson v. Arvest Bank, from Benton County Circuit Court.

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### **CASES SUBMITTED**

CV-14-1079. Steve Humbert v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court.

CV-14-1090. Joan Tillman v. Jerry Denton, from Pulaski County Circuit Court, Third Division.

CV-14-1112. Keri Zachary v. Arkansas Department of Human Services and Minor Child, from Conway County Circuit Court.

CV-14-1133. Centria, Inc.; Trumbull Insurance Company; and Gallagher Bassett v. Steve Bailey, from the Arkansas Workers' Compensation Commission.

#### **The following cases are appeals from the Arkansas Board of Review.**

E-14-826. James Mashburn v. Director et al.

E-14-827. Keisha Moore v. Director et al.

E-14-828. Mitchell Nicholas v. Director et al.

E-14-829. Scott Dalrymple v. Director et al.

E-14-830. Eulonda Curry v. Director et al.

E-14-831. Warren Claflin v. Director et al.

E-14-832. Donald Golden v. Director et al.

E-14-833. Jimmy McKinnon II v. Director et al.

E-14-834. Janet George v. Director et al.

E-14-835. Jacqueline Juniel v. Director et al.

E-14-836. George Green v. Director et al.

E-14-837. City of Conway v. Director et al.

E-14-838. Joseph Eaton v. Director et al.

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**CASES SUBMITTED**

E-14-839. Jonathan Sandy v. Director et al.

E-14-840. Edward Dunmore v. Director et al.

E-14-841. Victoria Bezley v. Director et al.

E-14-842. Ora Scott v. Director et al.

E-14-843. Curtis Pugh v. Director et al.

E-14-844. Deborah Prichard v. Director et al.

E-14-845. Janna Bowman v. Director et al.

E-14-846. Timothy Postoak v. Director et al.

E-14-847. Gary Beck v. Director et al.

E-14-848. Ronald Ritchey v. Director et al.

E-14-849. Latwasha Jackson v. Director et al.

Opinions are available on the internet at

<http://courts.arkansas.gov>